

**REQUEST FOR STATE REVIEW  
LOCAL COMPREHENSIVE PLAN AMENDMENT**

1. **Applicant:** Town of North Kingstown
  
2. **Contact Person:** **Jon Reiner, Director of Planning and Development**  
Telephone: 294-3331 #310  
E-mail: jreiner@northkingstown.org
  
3. **Amendment Title:** Request of Greg Berman and Amy Wright for amendment to the Town of North Kingstown Comprehensive Plan
  
4. **Summary Description:** Amendment changes the Land Use Plan Map Designation of Assessor's Plat 69 Lot 21 from Neighborhood Commercial (NC) to High Density Residential (HDR).
  
5. **Specific Location If Applicable** (Map attached): Assessor's Plat 69 Lot 21; 619 Boston Neck Road. The lot is 20,625 square feet in land area and contains an existing single family residence.
  
6. **Expected Benefits:** The lot, which is zoned general business currently, contains a single family residence. Residential uses in the general business zone are considered non-conforming and therefore cannot be expanded or intensified. The proposed residential land use designation of the property would comport with the community goals by providing residential development along Boston Neck Road south of the village of Wickford and would allow for the continued use and improvement of the property as a residence. The parcels adjacent to this lot are developed as single family residential. Spot commercial development along Boston Neck Road would not be desirable.
  
7. **Plan Elements Impacted:** Land Use Element
  
8. **Changes to Implementation Actions:** N/A

**Department of Administration  
Statewide Planning Program  
One Capitol Hill  
Providence, RI 02908-5870**

**COMPREHENSIVE PLAN CHANGE ADOPTED**

Notice is hereby given that on June 13, 2005 the Town Council of the Town of North Kingstown, State of Rhode Island, adopted the following Comprehensive Plan Change:

**AN ORDINANCE IN AMENDMENT OF THE  
NORTH KINGSTOWN COMPREHENSIVE PLAN**

The amendment changed the North Kingstown Comprehensive Plan Land Use Plan Map Designation of Assessor's Plat 69, Lot 21 from **Neighborhood Commercial (NC)** to **High Density Residential (HDR)**.

First Read at the Town Council Meeting of May 23, 2005 and referred to the Town Council Meeting of June 13, 2005 for Second Reading and Consideration of Adoption

Adopted at the Town Council Meeting of June 13, 2005.

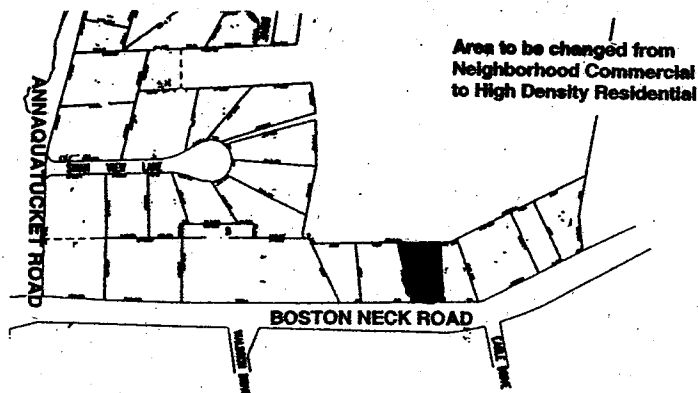
James D. Marques, CMC  
Town Clerk

Standard - Times  
6/30/05

**NOTICE OF PUBLIC HEARING  
NORTH KINGSTOWN TOWN COUNCIL  
JUNE 13, 2005  
TO CONSIDER AMENDMENTS TO THE  
NORTH KINGSTOWN COMPREHENSIVE PLAN**

A public hearing will be held before the North Kingstown Town Council for all interested persons in the North Kingstown Senior High School Auditorium, 150 Fairway, North Kingstown, RI, on Monday, June 13, 2005 at 7:30 PM, for the purpose of considering amendments to the North Kingstown Comprehensive Plan and to the Land Use Designations on the Land Use Plan Map.

The amendment would incorporate changes to the North Kingstown Comprehensive plan Land Use Plan Map Designation to change the Land Use Plan Map Designation of Assessor's Plat 69, Lot 21 from Neighborhood Commercial (NC) to High Density Residential (HDR).



Copies of the proposed amendment may be examined at the Department of Planning and Development in the Town Hall Annex, 55 Brown Street and the Office of the Town Clerk in the Town Hall, 80 Boston Neck Road, Monday through Friday, 8:30 AM to 4:30 PM.

Proposed amendment may be altered or amended prior to the close of the Public Hearing without further advertising, as a result of further study or because of the views expressed at the Public Hearing. Any such alteration or amendment must be presented for comment in the course of any said Public Hearing.

The Town will provide interpreters for the hearing impaired provided three (3) days notice is provided by calling 294-3331, Ext. 120.

James D. Marques, CMC  
Town Clerk

6-2-05  
STANDARD

Amy Wright

Standard Jones  
5/12/05

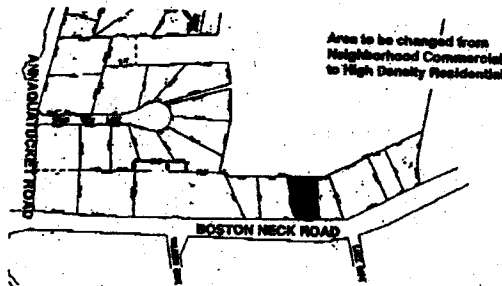
**NOTICE OF PUBLIC HEARING  
NORTH KINGSTOWN  
PLANNING COMMISSION**

**May 17, 2005**

**TO CONSIDER AN AMENDMENT TO THE  
NORTH KINGSTOWN COMPREHENSIVE PLAN**

A public hearing will be held before the North Kingstown Planning Commission for all interested persons in the North Kingstown Town Hall Conference Room, 80 Boston Neck Road, North Kingstown, RI, on Tuesday, May 17, 2005 at 7:30 PM, for the purpose of considering the application of Amy Wright and Greg Berman for an amendment to the Comprehensive Plan Land Use Map.

The amendment would change the North Kingstown Comprehensive Plan Land Use Plan Map Designation of Assessor's Plat 69 Lot 21 from Neighborhood Commercial (NC) to High Density Residential (HDR).

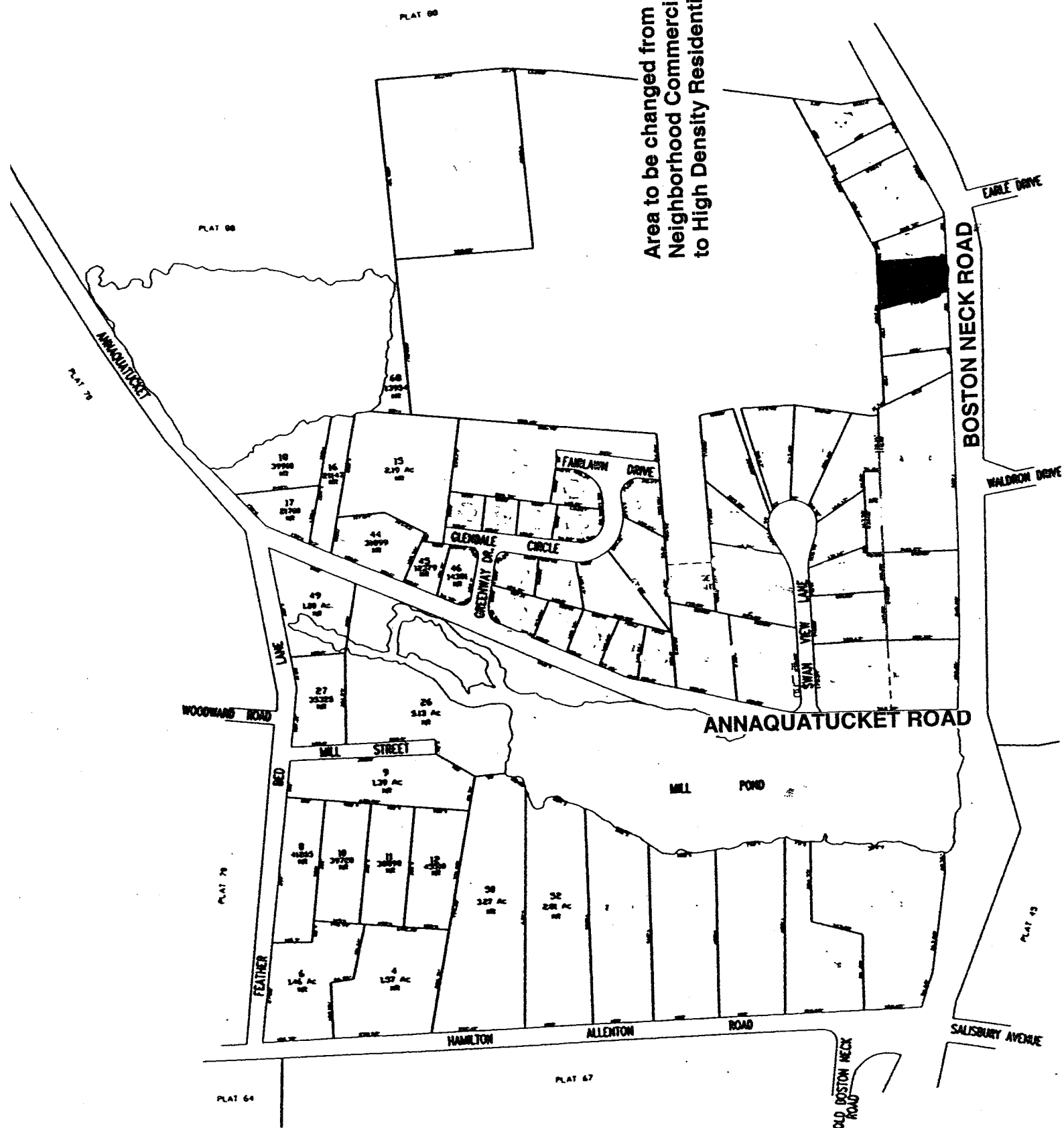


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The Town will provide interpreters for the hearing impaired provided three (3) days notice is provided by calling 294-3331, Ext. 120.

Richard Pastore  
Planning Commission Chair



At the Regular Meeting of the Town Council of the Town of North Kingstown, County of Washington, and State of Rhode Island, held in and for said Town, County, and State this 13th day of June, 2005 at the High School Auditorium, 150 Fairway, at 7:30 p.m.

PRESENT WERE: Anthony F. Miccolis, Jr., President  
Suzanne M. Henseler  
John A. Patterson  
Mark S. Zaccaria

ABSENT: Edward J. Cooney

ALSO PRESENT: Richard Kerbel, Town Manager  
James D. Marques, Town Clerk  
A. Lauriston Parks, Town Solicitor

All of the following resolutions (except as otherwise noted) were passed by unanimous voice vote of the members present.

A tape recording of this meeting was made to supplement the written record.

1. Call to Order

The Regular Meeting of the Town Council of the Town of North Kingstown held on June 13, 2005 was called to order by President Miccolis.

2. Salute to Flag

President Miccolis led those in attendance in saluting the flag.

3. Approval of Minutes

Motion by Councilor Patterson, seconded by Councilor Henseler and unanimously

VOTED: To approve the minutes of the Special Meeting of May 23, 2005 as submitted by the Office of the Town Clerk; and it was

FURTHER VOTED: That the Work Session Meeting Minutes of May 2, 2005 be approved as amended: Book 98, Page 240, Agenda Item Number 3, Paragraph Number 3: Concerns were raised by some Town Council Members that the type of disinfection system to be used still requires more discussion.; and it was

FURTHER VOTED: That the Regular Meeting Minutes of May 9, 2005 be approved as amended: Book 98, Page 252, Agenda Item Number 16: VOTED: That the request to change the street name of a portion of Lafayette Road from the intersection of Oak Hill Road to Exeter Road and a portion of Oak Hill Road from Route 4 to Lafayette Road, to Swamptown Road be ordered advertised for a Public Hearing on June 13, 2005, and that the Town Clerk send by certified mail, return receipt requested, notices to all property owners on record on said streets advising them of the Public Hearing.

4. Consent Agenda

Motion by Councilor Zaccaria, seconded by Councilor Henseler and unanimously

VOTED: To approve the consent agenda as presented with the exception of Agenda Item Number 66.

**I. SPECIAL BUSINESS**

5. Citation

President Miccolis presented a citation to Nathan Charron in recognition of donating his birthday presents to the North Kingstown Animal Pound.

**II. PUBLIC HEARINGS**

## 6. Creation and Issuance of a Class B-Limited Alcoholic Beverage License

Motion by Councilor Henseler, seconded by Councilor Patterson and unanimously

VOTED: To continue to the Regular Town Council Meeting of July 11, 2005 to amend the Alcoholic Beverage License Limits for 2004-2005; and it was

FURTHER VOTED: To continue to the Regular Town Council Meeting of July 11, 2005 the application for a new Class B-Limited Alcoholic Beverage License, expiring on December 1, 2005, by Oatley's Restaurant, Inc., dba Oatley's Restaurant, 1717 Ten Rod Road.

## 7. Class B-Full Alcoholic Beverage License (expansion of premises)

Motion by Councilor Henseler, seconded by Councilor Patterson and unanimously voted: To close the Public Hearing.

Motion by Councilor Patterson, seconded by Councilor Zaccaria and unanimously

VOTED: To approve the request by ANGORA GROUP, LLC, dba BAY LEAVES, 8220 Post Road, for the expansion of premises to include the existing patio and adjacent to an indoor dining room as designated in the diagram filed April 12, 2005, in the Town Clerk's Office, covered by their Class B-Full Alcoholic Beverage License, which expires on December 1, 2005, subject to taxes and water paid to date and compliance with any recommendations from the Zoning Board of Review.

## 8. Second Reading – Amendment to Chapter 2, Article V, Division 7

Motion by Councilor Henseler, seconded by Councilor Patterson and unanimously voted: To close the Public Hearing.

Motion by Councilor Zaccaria, seconded by Councilor Henseler and unanimously

VOTED: To adopt as amended an Ordinance in Amendment of Chapter 2, Article V, Division 7 of the Code of Ordinances, Town of North Kingstown, entitled, "Asset Management Commission", and that this shall constitute the Second Reading thereof.

## 9. Second Reading – Amendment to Section 9-4

Motion by Councilor Zaccaria, seconded by Councilor Patterson and unanimously voted: To close the Public Hearing.

Motion by Councilor Zaccaria, seconded by Councilor Henseler and unanimously

VOTED: To adopt as amended an Ordinance in Amendment of Section 9-4 of the Code of Ordinances, Town of North Kingstown, entitled, "Fee Schedule Enumerated – Table I – Town Clerk" and "Fee Schedule Enumerated – Table VI – Recreation Department Fees", and that this shall constitute the Second Reading thereof.

## 10. Second Reading – Amendment to Section 9-4

Motion by Councilor Zaccaria, seconded by Councilor Henseler and unanimously voted: To close the Public Hearing.

Motion by Councilor Zaccaria, seconded by Councilor Patterson and unanimously

VOTED: To adopt an Ordinance in Amendment of Section 9-4 of the Code of Ordinances, Town of North Kingstown, entitled, "Fee Schedule Enumerated – Table IX – Finance Department", and that this shall constitute the Second Reading thereof.

11. Second Reading – Amendment to the Comprehensive Plan

Motion by Councilor Zaccaria, seconded by Councilor Patterson and unanimously voted: To close the Public Hearing.

Motion by Councilor Patterson, seconded by Councilor Henseler and unanimously

VOTED: To adopt an Amendment to the Comprehensive Plan by incorporating the Hazard Mitigation Plan, entitled, “Strategy for Reducing Risks from Natural Hazards in North Kingstown, Rhode Island: A Multi-Hazard Mitigation Strategy”, and that this shall constitute the Second Reading thereof.

12. Second Reading – Amendment to the Comprehensive Plan

Motion by Councilor Patterson, seconded by Councilor Henseler and unanimously voted: To close the Public Hearing.

Motion by Councilor Zaccaria, seconded by Councilor Patterson and unanimously

VOTED: To adopt an Amendment to the Comprehensive Plan Land Use Map by changing the Land Use Plan Map Designation of Assessor’s Plat 69, Lot 21, from Neighborhood Commercial (NC) to High Density Residential (HDR), and that this shall constitute the Second Reading thereof.

13. Change of Zone

Motion by Councilor Zaccaria, seconded by Councilor Henseler and unanimously voted: To close the Public Hearing.

Motion by Councilor Patterson, seconded by Councilor Henseler and unanimously

VOTED: To approve the request from Greg Berman and Amy Wright, for a Change of Zone from General Business to Village Residential, for premises located at 619 Boston Neck Road, Plat 69, Lot 21.

(\*\*\*Amended July 11, 2005. See amendment on Page 300.)

14. Change of Street Name

Motion by Councilor Henseler, seconded by Councilor Patterson and unanimously voted: To close the Public Hearing.

Motion by Councilor Henseler, seconded by Councilor Zaccaria and unanimously

VOTED: To table the request to change the street name of a portion of Lafayette Road from the intersection of Oak Hill Road to Exeter Road and a portion of Oak Hill Road from Route 4 to Lafayette Road, to Swamptown Road.

### **III. REPORTS**

15. Report to Town Council by Town Manager

Town Manager Richard Kerbel reported on the following:

- The new Transfer Station will open tomorrow with its new hours.
- Tomorrow will also be the first of the Town’s concert series, and it will go on for the next ten weeks.
- Jonathan Reiner, the new Director of Planning and Development, is in attendance at tonight’s meeting. His first official day is Thursday.



**Planning Commission  
May 17, 2005**

On Tuesday, May 17, 2005, at 7:30 PM the Planning Commission convened in the Town Hall Conference Room, 80 Boston Neck Road, North Kingstown, RI. Acting chair Darlene Trew Crist brought the meeting to order. Other members present: Harriet Powell, Gardner Palmer, Ken D'Ambrosio and Patrick Roach. Richard Pastore was not in attendance due to nose reconstruction. Also present: Marilyn F Cohen, for her final meeting as Director of Planning & Development, Patricia A Nickles, Principal Planner, and A. Lauriston Parks, Town Solicitor.

Nancy O'Rourke, of Allied Court Reporters, was in attendance. Transcripts are available from her office.

**Applause!**

Ms Cohen received a standing ovation from the crowd, as this is her last planning commission meeting. Hired on August 5, 1987, Ms Cohen wins the title of longest suffering planner, and her celebrated dedication to the commission/department will be sorely missed.

**Shermanwoods Cluster, Plat 9, Extension of Time of Performance**

Newbridge Homes has requested an extension of the time of performance for this 18-lot single-family cluster development located on Sycamore Lane at the corner of Shermantown and Slocum Roads. Mr D'Ambrosio moved to grant a one-year extension to July 5, 2006. Mr Palmer seconded. The vote was unanimous.

**Lischio Development LLC, 1300 Ten Rod Road, Plat 101, Lots 1, 4, 12 and 18,  
Request for Extension of Land Development Plan Approval**

Fred Schick, of Lischio Development LLC, was present. As Mr Schick explained, the former tenant (Shaw's) for this land development plan at the Fiddlesticks Mini Golf site, is no longer interested in locating here, however, the owners are working with other possible tenants and would like their approval to be renewed for one year. Ms Crist asked if the commission would need a new review if, for example, a Showcase Cinema were to be proposed, and Ms Cohen responded in the affirmative. Mr Schick indicated they were only looking at similar uses, with no changes to the parking layout, etc, but if a change occurred they would return to the commission for further review. Mr D'Ambrosio moved to grant the requested one-year extension to August 20, 2006, for the plans dated 8-28-03, as revised through 6-24-04. Ms Powell seconded and all were in favor.

**PUBLIC HEARING: Amy Wright/Greg Berman, Comp Plan Amendment from  
Neighborhood Commercial to High Density Residential, 619 Boston Neck Road, Plat  
69, Lot 21 and Recommendation to Town Council for Rezone from General  
Business (GB) to Village Residential (VR)**

Ms Wright was in attendance. She purchased her home approximately a year and a half ago, not realizing it was zoned General Business. The house has always been used as a

residence but the town rezoned this area of Boston Neck Road on April 8, 1974, as a result of their first master plan (1972). There are a string of homes across the street from the former Bob Bean Motor Inn, and the town envisioned more business growth in the area in 1972. When the 1992 Comp Plan was done, property owners were contacted to inquire about re-zoning the area back to residential, but they felt their property was worth more if it were zoned for business. Thus, the houses are legal nonconforming uses, and cannot be changed unless changed to a conforming use. When Ms Wright applied for a building permit to add on a deck, it was denied (see also Alice Bailey, Plat 114, Lot 63, and Leviten/Gombar, Plat 1, Lot 11). Under current zoning there are two options: no deck or a zone change. Since the comp plan has this area designated as NC for Neighborhood Commercial, a change to HDR for High Density Residential use is required.

Discussion was held on having these commercially-zoned, but residentially-used areas of town changed back to residential use during the next 5-year update of the comp plan (RFQ's just went out for that work). Mr Parks noted that the Town of Narragansett allows for a 25% expansion of legal nonconforming uses, but North Kingstown does not. Changing the zoning ordinance is always an option, and these ideas will be explored for those areas where residences were zoned, but never used, for business purposes.

Ms Powell moved to open the public hearing and Mr Palmer seconded. There were no comments. Ms Powell moved to close the public hearing: Mr D'Ambrosio seconded. Both motions were unanimous. Mr Palmer moved to approve the requested comprehensive plan amendment; Mr Roach seconded and all were in favor. Mr Roach moved to recommend the rezone to the town council: Mr D'Ambrosio seconded and the motion was unanimous.

**PUBLIC HEARING: Quonset Apartments Revised Master Plan, Namcook Road, Plat 147, Lots 17, 80 and 89, zoned Planned Business District**

Steve Moran, developer, was present with his attorney Thomas Moses, and his engineer John Caito. The plan for a 216 single-bedroom apartment complex was approved last June 1st, but the hotel restaurant use was not advertised. All water modeling and traffic engineering has been approved. The plan was re-advertised, abutters re-notified, and this is before the commission tonight as a formality. The technical review committee reviewed the plans May 11th, and suggested another entrance/exit to alleviate any traffic issues. Mr Caito's plans reflected that change. The entrance to the hotel was discussed and discussion was also held on the intersection of Post Road and Namcook. The town will pursue changing that intersection. It could involve a partial land taking at Plat 147, Lot 6. The area is landscaped, but has no commercial use due to the current slope. Both Namcook and Post Road are state-maintained roads. As requested at last year's approval, research has been done, and there is enough road right-of-way at the intersection of Namcook and the newly relocated Devil's Foot Road to be striped for a turning lane. The state will have to grant approval. Ms Crist asked if the 2003 traffic report had to be updated. Mr Desmond, the traffic engineer, had addressed that issue at the TRC. Nothing has changed since 2003, traffic-wise, although Mr Desmond did agree that another entrance to the apartments would help alleviate morning traffic congestion.

Mr D'Ambrosio moved to open the public hearing. Mr Roach seconded. No comments were received. Mr D'Ambrosio moved to close the public hearing; Mr Palmer seconded. Both motions were unanimous. Mr D'Ambrosio moved to approve the revised master plan, as shown tonight, with the stipulation that the three lots be merged, the state be approached with regard to striping one end of Namcook for a turning lane, the town to explore a change in the northern portion of Namcook at its intersection with Post Road, and in accordance with the six items listed on Page 4 of this evening's staff report. Mr Palmer seconded the motion and all were in favor. Under the PBD ordinance, this master plan is valid for two years. A "site plan" approval from the commission is the second step in the process.

#### **Post Road Corridor Plan: Recommendation to Town Council**

The Cecil Group presented the Post Road Corridor Plan at a public hearing on the 11<sup>th</sup>. Ms Cohen requested that the commission recommend the plan to the council for a workshop on Monday. Village centers should be referred to as growth centers, as this is where the funding comes in. QDC also needs to be involved as they are proposing a Gateway Plan at the former Davisville Admin area on the corner of Post and Newcomb Roads. After discussion on Post Road, Mr Palmer moved to recommend the plan to the council for the work session. Mr Roach seconded and all were in favor.

#### **Minutes**

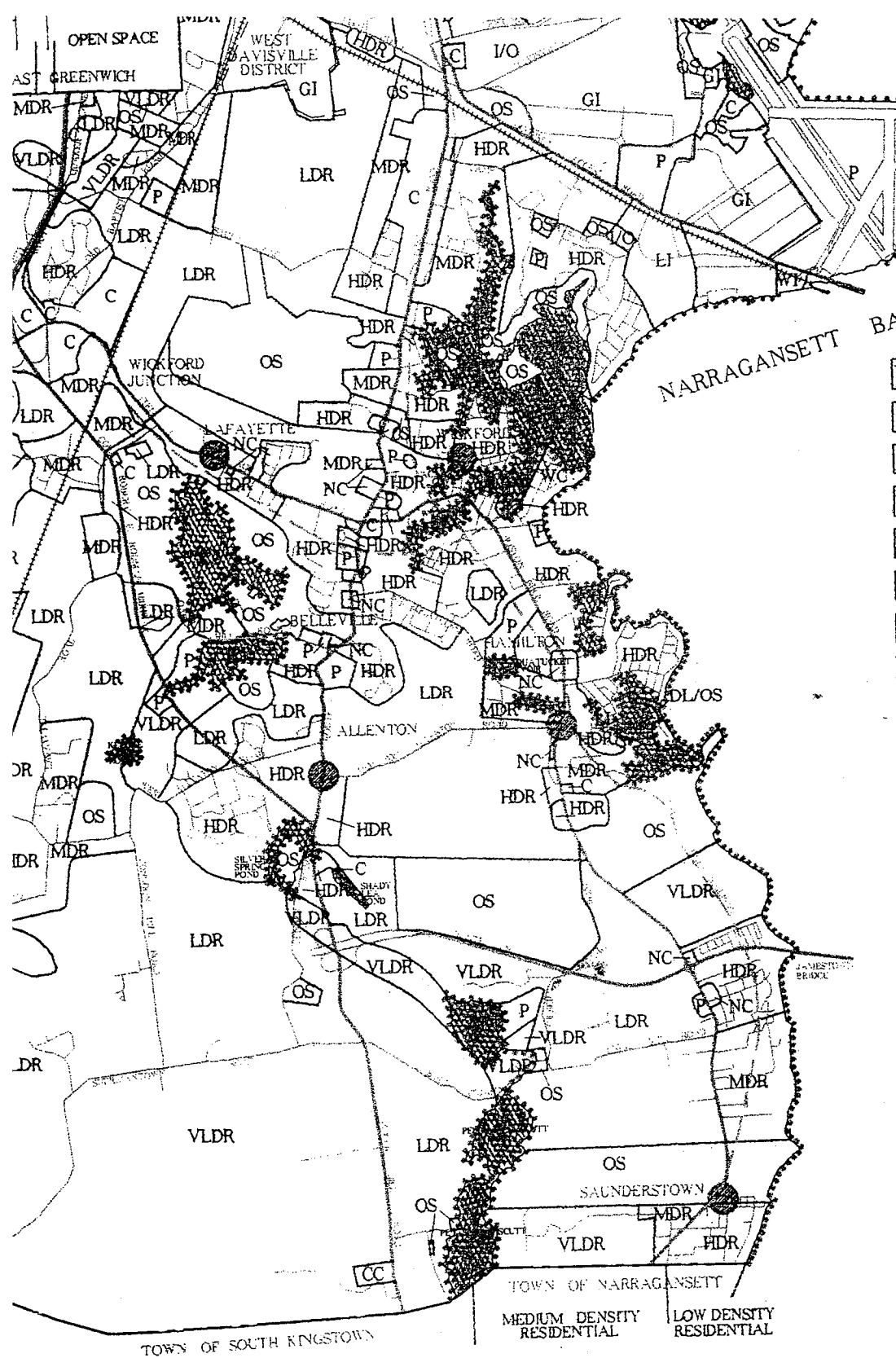
Mr D'Ambrosio moved to approve the minutes of April 19th. Ms Powell seconded, after requesting a clarification of the West Davisville (Tiyoda-Serec) land development plan, to ensure that the owner of the property must comply with town zoning regulations. The vote was unanimous.

Respectfully submitted,

KarenLu LaPolice  
Secretary

Tape in Plan Dept.

Tea and crumpets were served after the meeting in honor of Miss Marilyn.



# LAND USE PLAN MAP

- VLDR** VERY LOW DENSITY RESIDENTIAL  
(120,000 - 200,000 S.F. LOTS)
- LDR** LOW DENSITY RESIDENTIAL  
(60,000 - 120,000 S.F. LOTS)
- MDR** MODERATE DENSITY RESIDENTIAL  
(40,000 - 80,000 S.F. LOTS)
- HDR** HIGH DENSITY RESIDENTIAL  
(20,000 - 40,000 S.F. LOTS)
- CC** CORPORATE COMPOUND
- LI** LIGHT INDUSTRIAL
- GI** GENERAL INDUSTRIAL
- C** COMMERCIAL
- NC** NEIGHBORHOOD COMMERCIAL
- WC** WATERFRONT COMMERCIAL
- OS** OPEN SPACE
- P** INSTITUTIONAL/PUBLIC
- 150 - FOOT GREENBELT AROUND WATER FEATURES**
- LINEAR GREENBELT**
- VILLAGE CENTER**
- WI** WATERFRONT INDUSTRIAL
- I/O** INSTITUTIONAL / OFFICE
- DL/OS** DEVELOPMENT LIMITED / OPEN SPACE

NOTE: The Land Use Plan Map illustrates the general location of desired future land uses in the Town for planning purposes only and is not intended to represent the policy of the Town in regard to planned land use. Because of the general nature of this map, some of the smaller parcels are not fully represented as in their future intended land use designation.

REVISIONS	
NO. DATE	DESCRIPTION
1 1/2/88	1. Initial Map
2 3/2/88	2. Revised Map
3 4/2/88	3. Revised Map
4 5/2/88	4. Revised Map
5 6/2/88	5. Revised Map
6 7/2/88	6. Revised Map
7 8/2/88	7. Revised Map
8 9/2/88	8. Revised Map
9 10/2/88	9. Revised Map
10 11/2/88	10. Revised Map
11 12/2/88	11. Revised Map
12 1/2/89	12. Revised Map
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99 4/2/96	99. Revised Map
100 5/2/96	100. Revised Map

**TOWN OF NORTH KINGSTOWN**  
88 BOSTON NECK ROAD  
NORTH KINGSTOWN, RHODE ISLAND

**LAND USE PLAN MAP**

SCALE: 1" = 100' SHEET NO. 1 OF 1  
DRAWN BY: [ ] CHECKED BY: [ ]  
DATE: 2-1-88 FILE NO. [ ]

